IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 131 OF 2007

Smt. Nirmala Vasantrao Kakal @ K. Vrushali. .... Petitioner

Vs.

The State of Maharashtra & Ors. .... Respondents

Mr. Manoj Bhatt i/b Anil Navale for the Applicant.
Mr. Rajesh More, APP for the Respondent no.1.
Mr. H.E. Palve, APP for Respondent no. 2.

CORAM : SMT. V.K. TAHILRAMANI,J.
DATE : 15TH FEBRUARY 2007

P.C.

1) Heard learned Advocate for the Petitioner, Respondent and learned APP for the State.

2) The Petitioner is seeking quashing of Regular Criminal Case No. 930 of 2004. The complainant i.e. respondent no.2, Mr. Vijay Dattatray Malode is present before the Court and he has stated that the matter between the parties has already been amicably settled and the parties have arrived at consent terms. The consent terms are tendered before the Court taken on record and marked as 'X' for identification.

3) The learned counsel for both the sides

submit that in view of the settlement, the case ought to be quashed. Reliance is placed on the decision of Supreme Court in the case of B.H. Joshi, State of Haryana (2003) 4 SCC Page 675 wherein it is stated that when the parties have amicably settled the dispute, the criminal proceeding in those cases were quashed.

4) Looking to the fact that the complainant does not wish to pursue his complaint, I am of the opinion that the Court can consider the prayer of the applicant and quash the said case. Hence, Regular Criminal Case no. 930 of 2004 pending in 3rd JMFC Court, Nasik is quashed.

5) Application is disposed of.

(SMT. V.K. TAHILRAMANI, J.)